

Judge Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RAMON GONSALEZ-REYES,)
)
 Defendant.)
 _____)

NO. CR05-329JLR

ORDER GRANTING THIRD JOINT
MOTION TO CONTINUE TRIAL

THIS MATTER having come before the Court on the joint motion of the parties for an order continuing the trial date in this cause, and the Court having reviewed the motion and the balance of the records and files herein, the Court now finds and rules as follows:

On August 25, 2005, defendants Ramon Gonzalez-Reyes and Ernesto Castillo-Rojas, a/k/a Teodulpho Castillo-Rojas, were charged by Complaint with distribution of 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); distribution of five grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and possession of five hundred grams or more of methamphetamine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). On September 7, 2005, the defendants were indicted on the same charges.

The defendants appeared before Magistrate Judge Mary Alice Theiler on September 8, 2005, for arraignment. Pretrial motions were due on September 29, 2005,

1 and trial was scheduled to begin on November 15, 2005. Both defendants have been
2 detained pending trial.

3 On October 17, 2005, the Court granted the joint motion of the parties to continue
4 the trial date to December 13, 2005, subsequent to the appearance of new counsel for the
5 United States after the original Assistant United States Attorney assigned to handle this
6 matter left the United States Attorney's Office. On November 21, 2005, the Court
7 granted a second continuance of the trial date to February 21, 2006. That motion was
8 premised upon the request of the parties for additional time to review discovery materials
9 and laboratory results and to adequately prepare for trial. The second request also was
10 necessary in order to resolve a scheduling conflict involving counsel for defendant
11 Gonzalez-Reyes.

12 On February 7, 2006, co-defendant Ernesto Castillo-Rojas, a/k/a Teodulpho
13 Castillo-Rojas, entered a guilty plea to the charge of possession of intent to distribute five
14 hundred grams or more of methamphetamine. Counsel have determined that additional
15 time is required prior to trial to consider the implications of this plea for defendant
16 Gonzalez-Reyes. The parties agree that the failure to grant a continuance in this case
17 would deny counsel for defendant Gonzalez-Reyes and counsel for the United States the
18 reasonable time necessary for effective preparation, taking into account the exercise of
19 due diligence. Further, a continuance is required as a consequence of scheduling
20 conflicts of both counsel in order to ensure continuity of counsel for both defendant
21 Gonzalez-Reyes and the United States.

22 Defendant Gonzalez-Reyes has agreed to execute and file a Waiver of Speedy
23 Trial rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. § 3161-
24 3174, which will include his agreement that the period from February 21, 2006, through
25 the new trial date shall be an excludable period of time pursuant to 18 U.S.C.
26 § 3161(h)(8)(A).

It appearing to the Court that the failure to grant the requested continuance would effectively deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and deny defendant Gonzalez-Reyes and the United States continuity of counsel, and it further appearing to the Court that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial,

IT IS HEREBY ORDERED that the joint motion of the parties to continue the trial date is GRANTED.

IT IS FURTHER ORDERED that the trial date shall be continued from Tuesday, February 21, 2006, to Tuesday, April 11, 2006.

IT IS FURTHER ORDERED that the period of delay from February 21, 2006, to April 11, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for the purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174.

DATED this 9th day of February, 2006.

s/James L. Robart

JAMES L. ROBART
United States District Judge

Presented by:

s/ LEONIE G.H. GRANT

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